

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

SCOTTY PRIEST,)
)
Plaintiff,)
)
VS.) No. 16-1262-JDT-cgc
)
JOE HUDGINS, ET AL.,)
)
Defendants.)

**ORDER DIRECTING ENTRY OF JUDGMENT,
CERTIFYING AN APPEAL WOULD NOT BE TAKEN IN GOOD FAITH
AND NOTIFYING PLAINTIFF OF APPELLATE FILING FEE**

On October 3, 2016, the *pro se* Plaintiff, Scotty Priest, filed a civil complaint while he was incarcerated at the Decatur County Jail in Decaturville, Tennessee. (ECF No. 1.) The Court subsequently issued an order granting Plaintiff's motion for leave to proceed *in forma pauperis* and assessing the civil filing fee pursuant to the Prison Litigation Reform Act (PLRA), 28 U.S.C. §§ 1915(a)-(b). (ECF No. 6.) That order also directed Plaintiff "to notify the Court immediately, in writing," of any change of address. (*Id.* at 3.)

On August 9, 2018, the Court dismissed the complaint for failure to state a claim and granted leave to file an amended complaint within thirty days. (ECF No. 7.) The order notified Plaintiff that if he “fails to file an amended complaint within the time specified, the Court will assess a ‘strike’ pursuant to 28 U.S.C. § 1915(g) and enter judgment.” (*Id.* at 7.) However, Plaintiff’s copy of that order, sent to his address of record at the Jail, was returned undeliverable on August 27, 2018, marked “Return to Sender,” “Vacant,” and “Unable to Forward.” (ECF No. 8.)

Because Plaintiff has provided no current address and has failed to file an amended complaint as directed, judgment will be entered in accordance with the August 9, 2018, order dismissing the complaint for failure to state a claim pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1).

It is CERTIFIED, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal in this matter by Plaintiff would not be taken in good faith. Leave to appeal *in forma pauperis* is DENIED.

For analysis under 28 U.S.C. § 1915(g) of future filings, if any, by Plaintiff, this is the second dismissal of one of his cases as frivolous or for failure to state a claim.¹ This “strike” shall take effect when judgment is entered. *Coleman v. Tollefson*, 135 S. Ct. 1759, 1763-64 (2015).

The Clerk is directed to prepare a judgment.

IT IS SO ORDERED.

s/ James D. Todd
JAMES D. TODD
UNITED STATES DISTRICT JUDGE

¹ Priest previously filed *Priest v. Duke, et al.*, No. 11-1381-JDT-egb (W.D. Tenn. Jan. 7, 2013) (dismissed for failure to state a claim).